FOR MYSORE STATE

H.E.L.A. **(195 4) Department.**

Ms. **SERIES.**

G.O. No. 2484. Health

Dated 3rd September 1954.

[Despatch Abstract.]

Rural Medical Relief - South Kanara District - Dr. Rangappa Kamath ex-rural medical practitioner, Bajpe, claim for subsidy and contingencies - Rejected.

Secy-Health-3

From Dr. M. Rangappa Kamath, L.M.P.
Post Baigre, South Kanara.
Dated 10th October 1953.

To The Hon'ble The Minister of Public Health, Fort St. George, Madras.

55442

Reference :- (1) G.O. Abs. No. 2296, Health dated 15-6-1953.
(2) My appeal petitions dated 4-12-52, 28-2-53, and 16-3-53 submitted to the Minister of Public Health through the President, District Board, S. Kanara.
(3) Proceedings of the President, District Board, S. Kanara, Roc. No. 26386-A4-52 dated 5-2-1953 (copy attached)
(4) Memorandum of the Special Officer, District Board, South Kanara, Ref. C. No. 26386-A4-52 dated 15-7-1953 (copy attached.)
(5) Proceedings of the Special officer District Board, South Kanara, Ref. C. No. 26386-A4-52, dated 7-9-53 (copy attached.)

SECRETARY 14 OCT 1953 HEALTH DEPARTMENT

ASSISTANT SECRETARY 19 OCT 1953 HEALTH DEPARTMENT

The Government passed orders on my Appeal Petitions cited above only on 15-6-1953 in the G.O. cited, (ref. (1)). Even when my Appeal was pending with the Government, the President, District Board, in his Ref. C. No. 26386/A4/53, dated 19-5-53 (copy attached) wanted me to hand over charge of the Rural Dispensary to the Medical officer, S.T. Dispensary, Moodabidri. As soon as I received this order on 21-5-53, I at once intimated to the President, District Board, through the District Medical officer in my reference No. 28/53, dated 21-5-53 (copy attached) that pending disposal of my Appeal by the Government, the District Board cannot terminate my services and relieve me

relieve me. The President was quite aware of my Appeal as the same was submitted through him, and that the orders of the Government were pending and yet his action in ordering me to hand over charge, & close the Rural Dispensary, post haste was arbitrary and opposed to rules, and contract. As per the terms of the Agreement which is a contract between His Excellency the Governor of Madras & the first part, and the South Kanara District Board of the second part, and Dr. ll. Rangappa Kamath of the third part, it provides that the District Board in its meeting should consider about the closing of the Rural Dispensary before obtaining the previous approval of the Government to its proposal. This was not at all done as per the terms of the contract. The terms of the contract are explicit & mandatory and leave no option to any one of the parties to circumvent the same. The President, D.B. Board, without first consulting the Board in its meeting made a reference on 13-12-52 to The Secretary to Government, Health Department. The matter was placed before the District Board in its meeting long thereafter. In spite of such glaring irregularity, and contrary to the terms of the contract, the Government, which is a party to the Contract, have condoned the action of the President. If such is the state of affairs, what is the use of Contracts and how can one expect justice in these days.

After the Appeal Petitions were disposed of by the Government in t

[C.A.R. cited

G.O. cited above, the Special Officer, Dt. Board, communicated the same to me in his Ref. C. A4-26386-52, dated 15-7-53, (copy attached) and I handed over charge to the Medical Officer, G. H. Dispy. Moodabidri on 18-7-1953.

The President, & now the Special Officer, Dt. Board, S. Kanara, have not passed my subsidy bills from 1-5-1953 stating that I have ceased to be the Rural Medical Practitioner of the Rural Dispensary Bajpe from 7-5-53, the date on which the period of three months notice illegally served by him on 5-2-1953 expires. The agreement specifically provides that any dispute arising as to the meaning of these presents, or in respect of any matter, or thing arising thereunder, the same shall be referred to Government. When, in my Ref. No. 28/53 dt. 21-5-53, I pointedly pointed out to the President, Dt. Board, that the Dt. Board cannot terminate my services & relieve me pending orders on my Appeal, a dispute certainly arose; and it was the bounden duty of the President, Dt. Board, either to make a reference about this to Government, or, place the matter before the Board in its meeting, or if he was in me right, to adopt coercive measures to relieve me & close the Rural Dispensary. Instead of doing any of these things, the President acquiesces in my contention stated in my Ref. No. 28/53 dt. 21-5-53. Further more, communications after communications have been addressed to me as the Rural Medical Practitioner of the Rural Dispy Bajpe from 21-5-1953 onwards from the District Board & the D.M.O

[Office

office and even in the final order dt. 15-7-1953 (ref. No. 4 cited) which the Special Officer has passed, it will be seen that it is addressed to Dr. M. Rangappa Kamater, Rural Medical Practitioner, Bajpe. This looks like blowing hot & cold at the same time. When I pointed out all these things to the Special officer, Dt. Board, South Kanara, in my letter dated 21-8-1953 (copy attached) addressed to him, he in his reply Ref. C. No. 26386-A4-52 dated 7-9-53 (ref. No. 5 cited) gives a very shuffling reply ignoring the points raised. As stated by him, I have not conveniently failed to mention any thing, at any time, or to ignore the terms of the contract. On the other hand I, on my part, have scrupulously adhered to them. If I have ceased to be the Rural Medical Practitioner of the Rural Disp. from 7-5-1953, as contended by the Special officer, Dt. Board, there is no meaning in sending me any communications whatever designating me as such. The Statistics of the previous year of my Rural Dispensary for administration report of 1952-53 were duly sent by me on 3-4-53, as could be verified from the Despatch book; and there was no justification to ask me to send the same again. When I cease to be a Rural Medical Practitioner, I owe no allegiance to anybody to reply to any communication.

Again, it as stated by the President, Dt. Board, S. Kanara, that I have ceased to be the Rural Medical Practitioner from 7-5-53, it was his duty to relieve me on that date itself. But he sends an order on 19-5-1953 (copy annexed) which reached me on 21-5-53, i.e. two weeks thereafter

thereafter asking me to hand over charge. From 7-5-53 to 18-7-53, the date on which I handed over charge to the Medical Officer L.F. Dispensary, Moodabidri, I was carrying on the work of the Rural Dispensary as before, maintaining the registers, & submitting the prescribed returns on the due dates & these have been accepted by the District Medical officer, & the Special officer, District Board, ungrudgingly. They want me to do all the work, send them replies to their communications, which have once been submitted to them & yet it is strange that the subsidy due upto date is being denied.

Hence, it will be seen that the action of the special officer, D.B., in withholding the subsidy is irregular & ultra vires of his powers.

It is therefore requested that the Government will please order the payment of my subsidy & the contingent bill upto 18-7-53, i.e. the date on which I handed over charge of the Rural Dispensary.

Yours faithfully,

Medical Practitioner

10-10-53

Enclosures:- Six.

(BY R.P.A.D.)

Proceedings of the President, Dt. Board, S.K.
Sri B.Manjaya Hegde, B.A., B.L.

Received on 7-2-53 Addl Manuda.

Rec.No.26386-A4-52 dated 5-2-1953.

Subject: COMMUNITY PROJECT SCHEME- opening of a Primary Health Centre at Bajpe- rural dispensary at Bajpe- closing of 3 months' notice to the Medical Practitioner, Rural Dispy., Bajpe issue of.

Ref: 1. This office letter Rc.26386-A4-52/13-12-52 to the Secretary to Govt. Health Dept., Madras.
2. Govt. Memorandum No.571-L-52-1-Health dated 12-1-53.

O R D E R.

In view of the opening of a Primary Health Centre at Bajpe under the Community Project Scheme, the Government in their Memorandum No.571-L-53-1 Health dated 12-1-53 have ordered the closure of the Rural Dispensary at Bajpe and terminate the services of the Rural Medical Practitioner.

Under clause 8 of the Agreement executed by the Rural Medical Practitioner notice is hereby given that his services will not be required by this Board after a period of three months from the date of receipt of this order.

Sd/- M. Sunder Rao.
For President.

To
Dr. M.K. Kamath, Medical Practitioner, Rural Dispy. Bajpe
(BY R.P.A.D.)

Copy to the Director of Mdl. services, Madras 6.
Dt. Medical Officer, S.K.

/by order/

Sd/- .....
Superintendent.

(Tr. copy)
Addl Manuda
10-10-53
Bajpe

RC/53

Proceedings of the Special Officer, Dt.Board, S.K.
Sri A.Mahalingam Chettiar, B.A.

Ref.C.A4-26386-52 Dated 15-7-1953

Subject: MEDICAL - Rural dispensary, Bajpe - handing over charge to the Medical Officer, Moodabidri- Orders passed

Ref: 1. This office Procs.Ref.26386-A4-52 dated 19-5-53.
2. This office Memo Ref.26386-A4-52 dated 5-6-53

O R D E R

In continuation of this office above references, Dr.M. Rangappa Kamath, Medical Practitioner, Rural Dispensary, Bajpe now closed is informed that he should hand over the drugs, surgical instruments etc., as per the Stock Register maintained by him in the Rural dispensary, Bajpe to the Medical Officer, L.F.Dispensary, Moodabidri at once. His attention is also drawn to para 1 of G.O.Ms.No.2296 Health dated 15-6-1953 (which has been communicated to him separately by the Government) passing orders on his Appeal petitions dated 4-12-52, 28-2-53 and 16-3-53.

2. The Medical Officer, L.F.Dispensary, Moodabidri is directed to go over to Bajpe immediately on receipt of this order and take possession of the articles handed over by Dr. M.R.Kamath, Rural Medical Practitioner, Bajpe after checking them with the Stock Register, transfer them to his dispensary and submit the charge list to this office immediately.

received 17-7-53 Mamatha 17/7/53.

For Special Officer.

To
Dr M.Rangappa Kamath, Rural Mdl.Practitioner, Bajpe.
copy to the Mdl.officer, L.F.Dispensary, Moodabidri.
" Dt.Medical Officer, S.K.
" B5
hys/15-7-53

15/7/53

Proceedings of the Special Officer, District Board South Kanara.

Sri A. Mahalingam Chettiar, I.A.S.

Ref. C.No. 26386-A4-52. Dated 7-9-53.

Sub:- Rangappa Kamath (Sri) M. Ex-Rural Medical Practitioner of closed Baipe Rural Dispensary - request for payment of subsidy - Orders passed.

Ref:- Petition dated 21-8-53 from Sri M. Rangappa Kamath, ex-rural medical practitioner, Baipe Rural Dispensary (now defunct)

Received on 15-9-53 and Returned 15/9/53.

ORDER.

In his above petition, Sri M. Rangappa Kamath ex-rural medical practitioner of the defunct Baipe Rural dispensary has conveniently failed to mention two things, viz.; (1) when the Medical Officer, I.D. Shapur - Sahib, Moodabidri, went to Baipe to take over charge of the equipment of the Rural Dispensary on 23-5-53, he refused to hand over charge and the Medical Officer, Moodabidri I.D. Dispensary had to return without taking charge of the equipment and the Bd. had to pay him T.A. unnecessarily and (2) when he applied for casual leave on 22-5-53 he was informed in this office Ref. C.No. 26386/52 - 52 that he was no more in service, this report No. 28, dated 21-5-53 submitted to this office, stating that he refused to hand over charge of the Rural Dispensary did not call for any reply to him. As regards the reference, cited by him in his above

(13)
report, he is informed that some of these were in connection with the closure of the dispensary itself, some were in connection with the statistics for the previous year required for administration report, one was in connection with the maternity assistant, and two others were common circulars intended for all Rural Medical Practitioners. In these circumstances, his request for payment of subsidy + contingencies after the date of 3 months notice duly issued to him cannot be possibly be complied with.

Sd. K. Sanjiva Reddy.
for Special officer.

Sri M. Rangappa Kamath, ex-rural medical Practitioner, Bajpe, now deputed Rural Dispensary Bajpe (Rly R.P.A.D.)
Copy to the District Medical Officer, S.K.

(True Copy)
Rangappa Kamath
10-10-53
Bajpe.

Ref. No. 28/53, dated 21-5-53.

Rural Dispensary,
Baiju, 21-5-1953

To

The President, District Board.
South Kanara, Mangalore.

Thro' The District Medical officer, South Kanara, Mangalore.

Sir,

Reference :- your Regd. Notice ref. C. No. 26266/A4 53, dated 19-5-53 - re - Closure of the Rural Dispensary, Baiju.

In reply to your reference cited, I have to say that I have preferred an Appeal to Government pointing out that the procedure adopted in opening a Primary Health Centre here + consequently ordering the closure of the Rural Dispensary is wholly irregular + hence the notice served is illegal + inoperative. The District Board cannot terminate the services of the Practitioner before his Appeal to Government is finally disposed of by them.

Hence it is requested that the handing over ceremony may be kept pending as the Rural Medical Practitioner cannot be considered to have been discharged from service with effect from 7th May 1953.

Yours faithfully
sd/- Kamath
R. M. P.

(True Copy)
sd/- Kamath 10-10-53.

Post Baje, S. Kanara.
Dated 21-8-1953.

From
Dr. M. Rangadhama Kamath, L.M.P.
Medical Practitioner, Post Baje, S.K.

To
The Special officer, District Board,
South Kanara, Mangalore.

Sir,

Reference my postcard d. 19-7-1953.

In the reference cited, I intimated to you that I have handed over charge of the Rural Disp. Baje to the L.D. Medical Officer, Moodabidri, on the afternoon of 18-7-1953, and that the D.M.O. may be instructed to sign my subsidy bills from 1-5-1953 to 18-7-1953 inclusive as they are pending apparently under the misconceived reference no. X.N. Dis. 53. d. 24-6-53 of the President, Dt. Board, S.K, Mangalore.

In my ref. no. 28/53, d. 21-5-53, I had stated that the Dt. Board cannot terminate the services of a Rural Medical Practitioner till the Appeal preferred by him is finally disposed of by the Government, as the thoughtless gesture of opening here a Primary Health centre of the Community Project Department & thus ordering the closure of a smooth working and long established Rural Dispensary was wholly irregular & hence the notice given was illegal & inoperative. No reply was received to this from you & I was, as usual, carrying on the work as a Rural Medical Practitioner & submitting the usual returns of work done etc. on the due dates which have been accepted by the D.M.O.V the President, Dt. Board.

If the contention of the President, Dt. Board, that I have ceased to be a Rural Medical Practitioner on 7-5-1953 is valid, I see no reason why the following communications were sent to me as the de-facto Rural Medical Practitioner of the Rural Dispensary, Baje:-

1) Memo of the President, Dt. Board, S.K. Ref. C. No. 11021-A4-53 dated 31-5-1953
2) Letter of the President, Dt. Board, S.K. Ref. A4-8468-53, dated 31-5-53.
3) Letter of the President, Dt. Board, Ref. D. Dis. 12628-53 (R.D.30) dated 11-6-53.
4) Ref. C. No. 11021-A4-53, dated 3-7-1953.
5) N. Dis. 507/53, dated 4-7-53 of the District Medical officer, S.K.

F.T.O.

6) L.Dis. 12084-A4-53. d. 28-6-1953 of the President St. Board, S.K.

7) T.Dis. 13786/53. (R.T.30) d. 28-6-53 of the President St. Board, S.K.

8) Reg. C. A4-26386/52. d. 15-7-1953 of the Special Officer, St. Board, S.K. (By Regd. Post, A.D.)

In the face of all this, it is difficult to reconcile oneself, or make contentedly submissive to an apparently conflicting argument when in one place, you say that I have ceased to be the Rural Medical Practitioner of Bajpe, and at another place seek knowledge me as the ex-officio Rural Medical Practitioner, Bajpe.

Hence, I request you to instruct the A.C.O. to pass my subsidy bills & also the withheld contingent bills in your office upto 18-7-1953, & promptly end this unnecessary controversy.

Yours faithfully
sd/- K Ramakrishna
21/8

(Xerox copy)
sd/- K Ramakrishna
10-10-53

Proceedings of the President, District Board, S.K.

Sri B. Manjayya Hegde, B.A., B.L.

Ref. C.No. 26386/A4/53 Dated 19-5-1953.

Sub: Community Project Scheme - Opening of a Primary Health Centre at Bajpe - Closing of Rural Dispensary Bajpe on the expiry of three months notice - Orders passed

Ref: This office proceedings Ref.C.No. 26386/52/A4, dated 30-1-1953.

In this office proceedings cited above, Dr. M.R. Kamath, Rural Medical Practitioner, Bajpe was served with a notice on 7-2-53 to the effect that his services will not be required by the South Kanara District Board after a period of three months from the date of the receipt of the proceedings. So Dr. M.R. Kamath, Rural Medical Practitioner, Bajpe, is considered to have been discharged from service with effect from 7th May 1953. He is requested to hand over the drugs, surgical instruments, equipments etc. as per the stock register maintained by him in the Rural Dispensary, Bajpe, to the Medical Officer, L.D. Dispensary, Moodabidri.

2. The Medical Officer, L.D. Dispensary, Moodabidri is directed to go over to Bajpe immediately on receipt of this orders and take possession of the articles handed over by Dr. M.R. Kamath, Rural Medical Practitioner, Bajpe, transfer them to his dispensary and submit his charge

√ / list to this office immediately.

Sd. K. Saigiva [illegible]
for President.

To

Dr. M. R. Kamata, Rural Medical Practitioner, Bajpe
(R. P. A. H.)
Copy to the Medical officer, I. D. Dispensary
Moodabidri.
Copy to the Dy. Medical officer, S. K.
Copy to B 5. (By order)

Sd. C. S. Chadha
Superintendent

(True Copy)

Received by me on 21-5-53

Sd/ Kamata
Rural Medical Practitioner
Bajpe, 10-10-53

(1/2)

Health(1)

9/11

Sub: Community Projects.- S.K Dist - Primary health Centre at Bajpe - Medical officer - ~~appointment~~ dispensing with the services of - representation re From Sri. M. Rangappa Kamath, Bajpe, petition d 10.10.53.

Memo no 50462-H.IV/53-1. H.E&L.A Dept. Dt. 3.XI.53
Referred to the Spl. Off^r South Kanara Dt for remarks

To
The Spl. Off^r
Dt
South Kanara
(with pp 7- LLCF in 1st
the ref^d with rep)

31.10.53.

2 24

Memo. SS 442 H IV/53-2 Re-m
d. 22-1-54.

ILELA (H IV)

I Silvicultural Research Centre at
Bagge - Representation of
Dr. Konigappa, trained

The S.O. South Kanara
District Board is requested
to state when his services
to Govt. Memo No SS 442 H IV/53-1
d. 3-11-53 may be expected

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11/1/54. 2nd 548 C.

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30/1/54.

The S.O. South Kanara D.B.d.

Roc.A4-26386-53. South Kanara District Board Office, Mangalore, dated 5-2-1954.

From

Sri A.Mahalingam Chettiar, I.A.S.,
Special Officer, Dt.Board, South Kanara.

To

The Secretary to Government,
Health, Education & L.A.Department,
(Health Department),
MADRAS.

15406

Sir,

ASSISTANT SECRETARY TO GOVT. 18 FEB 1954 HEALTH, EDN. & LOCAL ADMN. DEPT.

Sub: COMMUNITY PROJECT - South Kanara District- Primary Health Centre at Bajpe- Medical Officer Dispensing with the services of- Representation Regarding

Ref: Govt.Memo Rc.55442-H.IV-53-1 dated 3-11-1953.

Sri M.Rangappa Kamath, Medical Practitioner, Bajpe in his petition dated 10-10-1953 enclosed with the Government Memo cited above requests the Government to order the payment of his subsidy and the contingent bill from 7-5-1953 the date on which 3 months' notice expired to 18-7-1953. In claiming the above, he alleges that he was relieved only on 18-7-1953 after the disposal of his petition as per para 1 of G.O.Ms.No. 2296 Health dated 15-6-1953 and that he continued to be the Rural Medical Practitioner incharge of the dispensary at Bajpe till then.

2. The facts of the case are as follows:---

The District Medical Officer, South Kanara in his letter C.No.57/52 dated 18-11-1952 to the President, Dt.Board, South Kanara stated that Bajpe has been selected for the location of a primary Health Centre under the Community Project Scheme and that there was no necessity to continue the Rural Dispensary at Bajpe. He further had stated that the dispensary at Bajpe may be closed and the Rural Medical Practitioner, be given 3 months' notice as per his agreement, if he is not prepared to take up appointment in any other Rural Dispensary of Modern Medicine. In this office Rc.No.A4-26386-52 dated 26-11-1952, the Rural Medical Practitioner, was accordingly requested to intimate whether he had anything to state to the above and whether he would be prepared to take up appointment in any of the Rural Dispensaries of Modern Medicine.

In this office letter Rc.A4-26386-52 dated 13-12-52, the Government were requested to accord necessary approval for issuing the notice to the Rural Medical Practitioner and a copy of resolution No.73 dated 3-1-1953 of the Board to close the Dispensary was also forwarded to Government in this office Roc. No.A4-26386-52 dated 6-1-1953.

The Government in the Memo No.571-L/53 -1 Health dated 12-1-1953 approved the proposal of the President, District Board, South Kanara to terminate the services of the Rural Medical Practitioner by giving him 3 months' notice under clause 8 of the agreement if the Rural Medical Practi--tioner was not willing to serve in any other dispensary under the District Board and close the dispensary at Bajpe. Accordingly 3 months' notice was given to the Rural Medical Practi--tioner as per this office Roc.No.A4-26386-52 dated 30-1-53 which was acknowledged by him on 7-2-1953.

p.t.o

Thereafter the Rural Medical Practitioner preferred an appeal which was forwarded to Government in this office N.Dis.6400-53 dated 20-3-1953. The Rural Medical Practi-tioner was also requested to hand over the drugs etc.,to the Medical Officer, L.F.Dispensary, Moodabidri in this office Ref.C.A4-26386-52 dated 19-5-1953. But the Rural Medical Practitioner refused to hand over the articles saying that he had already preferred an appeal and that his services cannot be terminated pending the disposal of his appeal to the Government. This was brought to the notice of the District Medical Officer, South Kanara in this office letter Rc.No.A4-26386-52 dated 1-6-1953. But the District Medical Officer, South Kanara was not able to give any opinion and wanted the Board to obtain legal opinion. In the meanwhile, the Government in G.O.Ms.No. 2296 Health dated 15-6-1953 passed orders on the petition dated 4-12-1952 of Sri M.Rangappa Kamath regretting that they cannot comply with his request to retain the Rural Dispensary at Bajpe and cancel the orders of the District Board giving notice for the termination of his services. The Rural Medical Practitioner was therefore once again directed to hand over the drugs etc., to the Medical Officer, Moodabidri. The Rural Medical Practitioner handed over charge of the drugs etc., to the Medical Officer, Moodabidri on 18-7-1953.

The Ex-Rural Medical Practitioner in his petition dated 21-8-1953 requested that the District Medical Officer, South Kanara may be instructed to pass his subsidy bill and contingent bill up to 18-7-1953. In this office Roc. No.A4-26386-52 dated 7-9-53, the Ex-Rural Medical Practi-tioner was informed that his request for payment of subsidy and contingencies after the expiry of 3 months' notice duly issued to him cannot be complied with. On this order the Ex-Rural Medical Practitioner has now preferred this appeal.

In as much as a notice of 3 months was given to the Rural Medical Practitioner before terminating his services after obtaining the approval to the closure of the dispensary and as per clause 8 of the agreement,he was no longer a Rural Medical Practitioner under the Board from 7-5-1953 and cannot therefore have any claim for any subsidy or contingencies from that date. The Ex-Rural Medical Practi-tioner was also not willing to accept any appointment under the District Board in any other Rural dispensary of Modern Medicine. His contention that he was receiving circular letters calling for information is frivolous in view of a definite memo served to him when he applied for casual leave on 22-5-1953 that he was no longer in the service of the Board.

Hence the Ex-Rural Medical Practitioner's claim for subsidy and contingencies is untenable and deserves to be rejected.

The enclosures received with the Government Memo No. 55442-H-II-53/1 dated 3-11-1953 are sent herewith.

For Special Officer,
District Board, South Kanara.

nys/8-2

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C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Medical Institutions - South Kanara Dt. - Rural dispensary at Bajpe - Arrear claims of Sri Dr. M. Rangappa Kamath

W5/1.3

READ AGAIN ....., dated ..... 19.....

" " ..... " ..... 19.....

READ *ALSO* :—

P 25 CF No. ..... From the S.O. South Kanara Dt. Rd., No A4.26385/53 dated 5-2-19 52

" ..... " ..... " ..... " ..... 19.....

" ..... " ..... " ..... 19.....

Memo. No. 55442 H(5) 53-3 Medical dt. 1/3/54.

Order Memo. Resolution Rout. No. ....., dated ..... 19.....

Referred to the D.M.S. for

28

Remarks.

26/4/54. 5A 2.54 / 26.2.54

4 2 54

go / Dr

the DRs (via rpl-22 cf
+ rp 25-26 cf in
orgl. to be used)

Medical Department

From

Lt.Col.Sangham Lal, MBBS.,FRCS.,DOMS.,
Director of Medical Services,Madras 6.

To

The Secretary to Government,
Health Education and Local Administration
Department,Madras.

40580

ASSISTANT ... 22 APR 1954 HEALTH, EDN. & LOCAL ADMN. DEPT.

R.No.18590-M-54.,dated 21-4-1954.

Sir,

Sub:-Medical Institutions - South Kanara District Rural Dispensary,Bajpe - Arrear claims of Dr M.Rangappa Kamath.

Ref:-Govt.Memo.No.55442-H-IV/53.3.dated 1-.-1954.

I agree with the remarks made by the Special Officer, District Board, South Kanara, Mangalore in his letter No.Roc.A.4.26386-dated 5-2-1954. Dr.Rangappa Kamath is not eligible for any subsidy or contingencies from 7-5-1953.

The enclosures are returned herewith.

Yours faithfully,

for Director of Medical Services.

M..19/4

Endt. X.N. Dis. No. 1900/54

Governor's Secretariat,

Raj Bhavan,

Dated 6-7-54

SECRETARY TO GOVERNMENT
7 JUL 1954
68375
HEALTH, EDN. & LOCAL ADMN. DEPTT.

Transferred to the Secretary to Government, H. & L.A. Department, Madras 9, for disposal. The communication has been acknowledged.

(By order of the Governor)

Private SECRETARY TO THE GOVERNOR.

Post Baipe, S. Kanara
Dated 1st July 1954.

From

Dr. M. Rangappa Kamath, L.M.P. 35
Registered Medical Practitioner,
Post Baipe; South Kanara

To

His Excellency,
The Governor of Madras State
Madras.

Sir,

Reference :- My Appeal Petition dated 7-10-1953, addressed to The Hon'ble, The Minister of Public Health, Madras and my reminder dated 22-2-1954

The intention of submitting an Appeal to the Government is that there may be a just redress of a grievance as per the Contract entered into.

The Contract was between His Excellency the Governor of Madras of the first part, and the South Kanara District Board of the second part, and myself of the third part; the second party, i.e. the South Kanara District Board having failed to observe the terms of the Contract explicitly laid down and as provided for in clauses 8 & 13 of the Agreement, I appealed to the Government of Madras, of which His Excellency is the Head, pointing out the grave irregularity done to one who had done signal service to the cause of Rural Medical Relief since its inception, and throughout the entire period of his medical services all these years.

In the matter of opening Primary Health centres, the Government laid down a definite Policy and the Government were responsible for breaking the Policy laid down by them in explicit terms, in spite of the fact that I was throughout responsible to run the institution efficiently, and for also doing a lot of social service in the villages, as a thorough study of all the papers connected with my Appeal petitions will clearly convince His Excellency

I have often read in the papers where

His Excellency

His Excellency, the Hon'ble Ministers, and other politicians have been saying that medical men do not go & settle in villages. But, a close study of my case has convinced right thinking people, and medical men, that the policy of the Government, instead of encouraging medical men who have made the village their home, & permanently settled there, is one of gross discouragement to such men. Even our Medical Association has viewed this with disfavour.

As there is inordinate delay in passing orders by the Government on my above quoted Appeal Petition in spite of a reminder, I am placing this matter before His Excellency, so that His Excellency will be pleased to call for all the connected papers and kindly go through them, and see whether the explicit terms of the contract solemnly entered into, and for which His Excellency is a party, have not been violated; and kindly order the payment of my wantonly withheld subsidy till the date of my relief as Rural Medical Practitioner of the Rural Dispensary Baijnath on 18-7-1952. I further say, that the terms of the contract have to be honoured both in letter & spirit by every party concerned; and the Government cannot condone the action of the District Board in violating the same, especially so, because the District Board is a limb of the Government. And the sign of a good Government is honoring the contracts entered into, and meting out undiluted justice to the parties concerned.

Yours faithfully,

Registered Medical Practitioner, Baijnath.

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123 & 124
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DRAFT I.

H.E.I.A.(H.IV) DEPT.

Sub:- Rural Medical Relief--South Kanara District--Dr. Rangappa Kamath ex-rural medical practitioner, Bajpe, claim for subsidy and contingencies--Rejected.

Ref:- From Dr. Rangappa Kamath, dated 10-12-53.

From the S.O., South Kanara Dt.Bd., No.A.4-26386-53 dated 5-2-54.

From the D.M.S., No.19590-M-54 dated 21-4-54.

...

G.O.Ms.No.2484 Health, dt. 3-9-54

The petition is rejected.

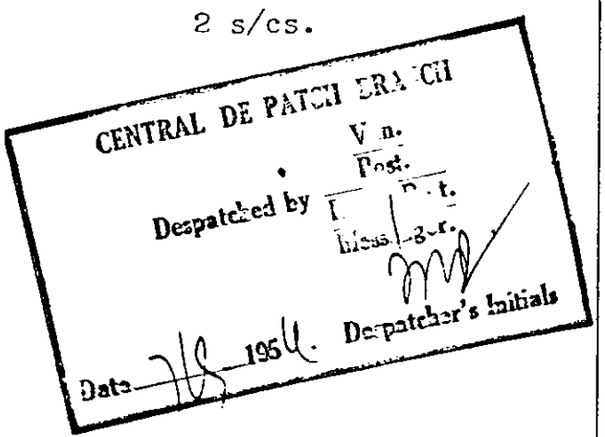
To

Dr.Rangappa Kamath, L.M.P.,
Bajpe, South Kanara.

The D.O., South Kanara Dt.Bd.

The D.M.S.

2 s/cs.



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3-9

DRAFT II.

H.E.I.A.(H.IV) DEPT

Memorandum No. 5-52442/53-6 H K
3-9-54

Sub:- Rural Medical Relief--South Kanara Dt.--Dr. Rangappa Kamath, ex-rural medical practitioner, Bajpe--Claim for subsidy and contingencies.

Read again: G.O.~~2484~~ Health, dated 3/9/

From Dr. Rangappa Kamath, dated 10-12-53.

From the S.O., South Kanara Dt.Rd., No.A4.26386-53 dated 5-~~2~~-54.

From the D.M.S., No.18540-M-54 dated 21-4-54.

...

With the previous sanction of the Govt. under clause 8 of the agreement the P.D.B., South Kanara in his proceedings No.26386-A4-52 dated 5-2-53 ordered closure of the rural dispensary at Bajpe after giving three months' notice to Dr. Rangappa Kamath who was in charge of it. The notice was received by Dr. Kamath on 7-2-53 and the notice period expired on 7-5-53 but no arrangements were made for ~~the~~ taking charge of the ~~xxx~~ drugs, equipment etc. of the rural dispensary on that date. Only in his proceedings dated 19-5-53 did the I.D.B. South Kanara ask the doctor to hand over charge of the drugs, equip--ment etc. and only on 23-5-53 did the M.O. T.F. Dispensary, Moodabidri arrive to take over charge from the doctor. The S.C., South Kanara Dt.Bd. is informed that this delay in making arrangements for taking charge of the drugs, equipment etc. should have been avoided.

2. The S.C., South Kanara Dt.Pd.

(P.T.O.)

is informed that the appointment of Dr. Kamath has been automatically terminated on the expiry of the three months' notice given to him under clause 8 of the agreement. The fact that the Dt.Bd. did not make arrangements for taking charge of the drugs, equipment etc. of the rural dispensary would not prevent the termination of the appointment taking effect and would not entitle Dr. Kamath to claim any subsidy or contingencies as if he continued to be the medical practitioner in charge of the defunct rural dispensary. ~~If on account of this delay in relieving the doctor of the custody of the drugs equipment etc. which were under his charge,~~ He might claim only reasonable remuneration for having kept custody of the drugs etc. ~~after the termination of his appointment.~~ The S.O., South Kanara Dt.Bd. is informed that if Dr. Kamath were to claim such remuneration it would be open to the district board to say that he should account for the stocks of the drugs etc., as on the date of closure of the dispensary and not on the date on which Dr. Ramappa Kamath actually handed over charge.

M. - - F

CENTRAL DESPATCH BRANCH
Vn.
Post.
Despatched by P. t.
r.
7/9 1954 Despatcher's Initials

To

The S.O., South Kanara Dt.Bd.

The D.M.S.

ಸಂಖ್ಯೆ 512/28.8.54.

30/8/54

31/8/54

From Dr. Rangappa Kamath ex-Rural Medical Practitioner Bajpe, dated,10-12-53.
From the S.O., South Kanara Dt.Bd. No.A4-26386-53 dated 5-2-54.
From the D.M.S., No.18590-M-54 dated 21-4-54.

Sub:- Rural Medical Relief--South Kanara Dt.-- Dr. Rangappa Kamath,ex-rural medical practitione Bajpe--certain claims.

...

There was a subsidised rural dispensary of modern medicine at Bajpe in South Kanara Dt. and Dr. Rangappa Kamath, L.M.P. was in charge of that dispensary. Towards the end of 1952 a primary centre under the Community Projects was opened at Bajpe. The Project Advisory Committee and the Project Executive Officer did not consider Dr.Kamath suitable for appt. to the centre and so he was not appointed to the centre. Dr. Kamath petitioned the Public (C.P.) Dept. but his petition was rejected. On the opening of the centre, the P.D.B., South Kanara asked for the sanction of the Govt. under clause 8 of the agreement form prescribed for rural medical practitioners for closing the rural Dispensary after giving three months notice to Dr. Kamath. The sanction of the Govt. was accorded in the following terms:-

The Govt. approve the proposal of the P.D.B., South Kanara to terminate the services of the R.M.P. of the rural dispensary at Bajpe by giving him three months' notice under clause 8 of the agreement form if the R.M.P. is not willing to serve in any other dispensary under the Dt. Bd."

Following this sanction the P.D.B., South Kanara in his proceedings dated 5-2-53 gave notice of terminatio of services to Dr. Kamath. Dr. Kamath recd. the notice on 7-2-53. Thereupon Dr. Kamath submitted two petitions to the Govt. dated 28-2-53 and 16-3-53 praying that he should be appointed as Medical Officer of the Primary centre opened at Bajpe or that

(P.T.C.)

the rural dispensary of which he was in charge should be retained at Bajpe and the notice of termination of his appt. given by the P.D.B., South Kanara cancelled. While these petitions were pending with the Govt. the notice period expired on 7-5-53 and the P.D.B., South Kanara in his proceedings dated 19-5-53 asked Dr. Kamath to hand over charge of the rural dispensary but Dr. Kamath ~~refused~~ saying his appeals were pending with the Govt. Finally in G.O.2296 Health, dated 15-6-53 the Govt. passed orders rejecting the petitions of Dr. Kamath and this time, on being asked to hand over charge, Dr. Kamath handed over charge of his dispensary on 18-7-53. Dr. Kamath submitted another petition for reconsideration of the orders in G.O.2296 Health, dated 15-6-53 and this was rejected in G.O.3413 Health, dated 17-9-53. He now claims that he was on duty from 7-5-53 to 18-7-53 and wants to be paid for this period. The Special Officer South Kanara Dt.Bd. contends and the D.M.S. agr with him, that the claim is not tenable.

2. With the previous sanction of the Govt., Dr. Kamath was given a notice under clause 8 of the agreement form prescribed for rural medical practitioners. This clause does not provide for any appeal against a notice so issued. Dr. Kamath's petitions to this Govt. against this notice would not therefore make any difference to this notice. His appointment should therefore be considered to have been terminated from the date on which he recd. the P.D.B.'s letter asking him to hand over charge to the M.O. L.F. Dispensary Moodabidri i.e. 21-5-53 ~~or from 23-5-53 when the~~ Medical Officer assumed charge of the dispensary 3/ hav (6 pieces) may kindly advise.

ASSISTANT SECRETARY 24 JUN 1954 LAW DEPARTMENT T. NADU

LAW (OPINIONS) DEPARTMENT.

According to the proceedings of the President, District Board, South Kanara at p.11 c.f., closure of the rural dispensary at Bajpe was ordered under clause 8 of the agreement after three month's notice to Dr. Kamath, who was in charge of it. The notice period expired on 7-5-53. If Dr. Kamath continued to give medical relief thereafter, he should be deemed to have done so as an independant medical practioner and not under the auspices of the District Board. He cannot therefore claim any subsidy and contingencies for any period subsequent to 7-5-53.

Law O.O NO: 10029/54-1
8.7.54

8.7.54 8.7.54

HELA
HELA
HELA (HW)

2/J

Clause 8 of the agreement [illegible] prescribed for subsidised rural medical practitioners says that the D.B.d. after obtaining the previous approval of the Govt. close a rural dispensary after giving three month's notice to the practitioner. The South Kanara D.B.d. gave three month's notice to Dr. Kamath. The notice period expired on 7-5-53 but on what date the D.B.d. made no arrangements for the relief of the doctor. Only in his proceedings dated 19-5-53 did the P.D.B. South Kanara ask only the doctor to hand over charge and

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on 23-5-53 did the M.O.H.F. Dispensary Muvadabidri arrive to take over charge from the doctor. The latter portion of clause 4 of the agreement says that on the termination of the agreement the practitioner shall hand over the drugs, outfit for the maternity assistant and other equipment if any belonging to the dispensary to his successor or to any other person authorised by the President to receive them. The points to be considered therefore are 2/4

(1) whether the three months notice to Dr. Kamath should not have been followed by a formal order of the PDB South Kanara terminating his appointment on or after the expiry of the three months notice and if so whether Dr. Kamath's appointment should be considered as having been terminated on 23-5-53 the date on which the M.O.H.F. Dispensary Muvadabidri came to relieve him in pursuance of the order at pt 21 ef. P.F. X = to P.F.

(2) whether the South Kanara D.B. Board is right in treasury ~~contingent~~ considering that Dr. Kamath's appointment was terminated on 7-5-53 even though on that date the D.H.S.D. had made no arrangement for the relief of the doctor. P.F. P.F.

I am very thankful to see again.

ASSISTANT SECRETARY 16 JUL 1954 11164 LAW DEPARTMENT, Bangalore

2/47(14.5.54 13.7.54

1434

15.7.54

Law (Opn)

H.E.L.Am. 55442 H III 53-7

15/7/54.

According to clause 14 of the Agreement, the agreement shall be subject to termination by either the district board or the medical practitioner giving to the other of them three calendar months' notice in writing to that effect, except in cases otherwise provided for in the agreement. Under clause 8, the closure of the rural dispensary is contemplated after giving three months' notice to the practitioner. The effect of a closure of the rural dispensary under clause 8 is to bring about the termination of the agreement and also the termination of the appointment of the medical practitioner. If after the closure of the dispensary, the medical practitioner chooses to be in charge of it, he cannot claim to be an officer in charge of that dispensary so as to entitle him to claim subsidy and contingencies as if the dispensary was legally functioning.

In the present case, the appointment of Dr.Kamath has been automatically terminated on the expiry of the three months' notice given to him under clause 8 of the Agreement. The fact that the District Board did not make arrangements for taking charge of the drugs, equipment etc. of the rural dispensary would not prevent the termination of the appointment taking effect and would not entitle Dr.Kamath to claim any subsidy or contingencies as if he continued to be the medical practitioner in charge of the defunct rural dispensary. If there had been any delay on the part of the district board in relieving the doctor of the custody of the drugs, equipment etc. which were under his charge, he might claim only reasonable remuneration for having kept custody of the drugs etc. If Dr.Kamath were to claim such remuneration, it would be open to the district board

to say that he should account for the stocks of the drugs etc., as on the date of the closure of the dispensary and not on the date on which Dr.Kamath actually handed over the stocks. For the reasons stated above, the present claim of Dr.Kamath may well be rejected. A B

7.8.54 2.8.54

HELA

Law U.O.No. 11164/84 J.*
7-8-84

HELA

HELA (HQ)

Para 1 of the note at pgs 1-2 ante which gives a brief history of the case and the note of law at pgs 5-6 ante may be seen. The following remarks are offered:-

'A' at pgs 5-6 ante.

The notice period expired on 7-5-53 but on what date the D.H.S. made no arrangements for the relief of the doctor. Only on his proceedings dated 19-5-53 did the P.D.S. Sonta Kamath cede the doctor in hand over charge and only on 23-5-53 did the M.O. L.F. Dispensary Moodabidri arrive to take over charge from the doctor. For orders whether 'A' at pgs 5-6 ante should be provided out of the D.H.S.d.

79913
2 cf
x cl p *f

'B' above

This dept. may agree.

Appl orders are passed a brief note for consideration and a draft memo please.

2/HDS 512
18.8.54

20/8/54 20/8/54 20/8/54 J.

NOTE FOR CIRCULATION.

1. This file deals with certain claims of Dr. Rangappa Kamath, ex-rural medical practitioner of Bajpe.

2. There was a subsidised rural dispensary of modern medicine at Bajpe in South Kanara Dt. and Dr. Kamath was incharge of that dispensary. Towards the end of 1952 a primary centre under the Community Project Scheme was opened at Bajpe. The Project Advisory Committee and the Project Executive Officer did not consider Dr. Kamath suitable for appointment to the centre and so he was not appointed to the centre. Dr. Kamath petitioned the Public (C.P.) Dept. but his petition was rejected. On the opening of the centre the P.D.B. South Kanara asked for the sanction of the Govt. under clause 8 of the agreement form prescribed for rural medical practitioners for closing the rural dispensary after giving three months notice to Dr. Kamath. The Govt. gave the sanction and the P.D.B. South Kanara in his proceedings dated 5-2-53 gave notice of termination of services to Dr. Kamath. Dr.Kamath received the notice on 7-2-53. Thereupon Dr. Kamath submitted two petitions to the Govt. dated 28-2-53 and 16-3-53 praying that he should be appointed as medical officer of the primary centre at Bajpe or that the rural dispensary of which he was in charge should be retained at Bajpe and the notice of termination of his appointment given by the P.D.B., South Kanara cancelled.

While these petitions were pending with the Govt. the notice period expired on 7-5-53 and the P.D.B., South Kanara in his proceedings dated 19-5-53 asked Dr. Kamath to hand over charge of the rural dispensary but Dr. Kamath refused saying that his appeals were pending with the Govt. Finally in G.O.2296 Health,

(P.T.O.)

dated 15-6-53 the Govt. passed orders rejecting the petitions of Dr. Kamath; and this time, on being asked to hand over charge, Dr. Kamath handed over charge of his dispensary on 18-7-53. Dr. Kamath submitted another petition for reconsideration of the orders in G.C.2296 Health, dated 15-6-53 and this was rejected in G.O.3413 Health, dated 17-9-53. He now claims that he was on duty from 7-5-53 to 18-7-53 and wants to be paid for this period. The Special Officer, South Kanara Dt. Bd. contends and the D.M.S. agrees with him, that the claim is not tenable.

2. The three months' notice given to Dr.Kamath expired on 7-5-53 but on that date the P.D.B., South Kanara made no arrangements for the relief of the doctor. Only in his proceedings dated 19-5-53 did the P.D.B. ask the doctor to hand over charge and only on 23-5-53 did the M.C. L.F. Dispensary Moodabidri arrive to take over charge from the doctor.Law have advised as as follows:-

"the appointment of Dr. Kamath has been automatically terminated on the expiry of the three months' notice given to him under clause 8 of the Agreement. The fact that the District Board did not make arrangements for taking charge of the drugs, equipment etc. of the rural dispensary would not prevent the termination of the appointment taking effect and would not entitle Dr. Kamath to claim any subsidy or contingencies as if he continued to be the medical practitioner in charge of the defunct rural dispensary. If there had been any delay on the part of the district board in relieving the doctor of the custody of the drugs, equipment etc. which were under his charge, he might claim only reasonable remuneration for having kept custody of the drugs etc. If Dr. Kamath were to claim such remuneration, it would be open to the district board to say that he should account for the stocks of the durgs etc., as on the date of the

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closure of the dispensary and not on the ~~the~~ date on which Dr. Kamath actually handed over the stocks. For the reasons stated above, the present claim of Dr. Kamath may well be rejected."

This Dept. propose to accept the advice of law and reject the petition of Dr. Kamath and point out to the S.C., South Kanara Dt.Board 'A' above.

A draft order and a draft memo. are submitted.

3. May be circulated to the M.(H.).

25.8.54

30/8/54

S.A. Sreedharan
31/8/54

M(H)

SECRETARY TO GOVERNMENT
2 - SEP 1954
HEALTH, EDN. & LOCAL ADMN. DEPT.